

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEEWALD,
JINGER VUOLO, and JOY DUGGAR**

PLAINTIFFS

vs.

CASE NO. 5:17-5089-TLB

**CITY OF SPRINGDALE, ARKANSAS;
WASHINGTON COUNTY, ARKANSAS;
KATHY O'KELLEY, in her individual and
official capacities;
ERNEST CATE, in his individual and official capacities;
RICK HOYT, in his individual and official capacities;
STEVE ZEGA, in his official capacity;
And DOES 1-10, inclusive**

DEFENDANTS

**MOTION TO EXCLUDE TESTIMONY OF WITNESSES
DESIGNATED BY PLAINTIFFS AS EXPERTS**

COME NOW Defendants, Jointly, by and through the undersigned counsel, for their Motion to Exclude Testimony Of Witnesses Designated by Plaintiffs as Experts, state as follows:

1. Plaintiffs have designated and seek to present the testimony of Robert Wynne, Ph.D (Wynne) to provide his opinion that each of the Plaintiffs has suffered psychological damage and is in need of a life care plan to provide psychological care for the remainder of their lives.
2. The reports of Wynne have purportedly been “reviewed and approved” by a Gilbert Kliman, M.D.
3. For the reasons mentioned in Defendants’ accompanying brief in support, the anticipated testimony consists of opinions that are speculative, contrary to the facts, unqualified, irrelevant, immaterial, and beyond the scope of permissible expert testimony under the Federal Rules of Evidence and therefore, should not be permitted if this case were to go to trial.

4. It is appropriate at this time for this Court to make “a preliminary assessment of whether the reasoning or methodology underlying the testimony is scientifically valid and of whether that reasoning or methodology properly can be applied to the facts in issue.” *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 592–593 (1993). Because of the speculative nature of the anticipated expert testimony as well as its contradiction to the facts and the lack of qualifications, this Court should exclude the testimony of the experts offered by the Plaintiff.

5. Defendants have filed a brief with exhibits in support of this this joint motion and Defendants incorporate their brief and exhibits into this motion pursuant to Fed. R. Civ. P 10(c).

WHEREFORE, Defendants pray that this Court grant their motion and exclude the speculative testimony of Robert Wynne, PhD. and Gilbert Kliman, MD. and for all other just and proper relief.

Respectfully Submitted,

DEFENDANTS

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 6th day of October, 2021, a true and correct copy of the above and foregoing Motion to Compel served upon the following the CM/ECF electronic filing system:

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